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- a) tris(2-ethylhexyl) 4,4',4''-(1,3,5-triazine-2,4,6
triyliimino)trisbenzoate; and
- b) hexyldecyl laurate. —

REMARKS

This is in response to the final rejection dated August 6, 2002. Reconsideration in view of the following is respectfully requested. It is requested that this amendment be entered and considered at this time, since this places the case in condition for allowance. Furthermore, new issues are not raised, since the issue of non-crystallization was put forth in the last response filed.

Claim 7 has been amended to recite that the composition is non-crystallizing (see page 4, second paragraph).

Claims 7-12, 14 and 15 stand rejected under 35 USC 103 in view of Stäb and Defossez. Stäb teaches in Example 19 (column 12) a sun gel composition comprising (a) triazine and (b) isopropyl myristate as ester.

As amended, claim 7 incorporates a recitation that the composition is non-crystallizing. The examiner concedes that Stäb does not specifically teach hexyldecyl laurate as the ester, but cites the Defossez reference (col. 5, lines 10-15). This patent teaches isopropyl myristate and hexyldecyl laurate as being interchangeable as *binding agents* in a cosmetic formulation. The examiner thus concludes that hexyldecyl laurate may be substituted for the isopropyl myristate in

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the Stab compound, in order to achieve the intended effect.

However, there is no suggestion by either Stab or Defossez that hexyldecyl laurate will have the surprising effect of *avoiding crystallization* when used in combination with the triazine compound. One skilled in the art seeking to overcome the problem of crystallization would therefore have no motivation to look to Defossez, since Defossez relates to hexyldecyl laurate as a binding agent, and says nothing about the heretofore unknown effect of avoiding crystallization. Therefore, claim 7 and claims dependent thereon are not obvious.

Wherefore, allowance of all pending claims is earnestly solicited.

Respectfully submitted,

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MARKED UP CLAIMS

7 (twice amended). A non-crystallizing cosmetic of dermatological composition suitable for protecting skin and/or hair from the damaging effects of light, said cosmetic or dermatological composition comprising a light protective effective amount of a combination of:

- a) tris(2-ethylhexyl) 4,4',4''-(1,3,5-triazine-2,4,6-triyltriimino)trisbenzoate; and
- b) hexyldecyl laurate. --